

REMARKS

Claims 1-27 are pending in this application. All of the pending claims were rejected. Claims 1, 6, 12 and 20 are currently amended. Support for the amendments to the claims is in the Specification at page 34, line 27 through page 35, line 30. Reconsideration in view of the amendments to the claims is respectfully requested.

Claims 1, 2, 5, 6, and 7 were rejected under §102(e) as being anticipated by Naveh. In particular, the Office suggested that the claimed communication services are analogous with the QoS of Naveh. Applicant has amended claim 1 to clarify that the communications services are distinct from QoS. Indeed, it the claimed communication requirements and non-requirements that may include QoS. As discussed in the Specification, in order to satisfy high-level communication requirements such as ToS, CoS and QoS, appropriate lower level communication services are required.¹ Examples of such lower level communications services include routed path, latency, error rate, and protection mechanism,² as well as shared and unshared lightpaths.³ Those examples are now specifically recited in claims 1 and 6. Therefore, rather than anticipating the claimed invention, Naveh teaches a technique which could be facilitated by the claimed invention. Withdrawal of the rejections of claims 1, 2, 5, 6, and 7 is therefore requested.

Claims 3, 4 and 8-27 were rejected under §103(a) over Naveh and Schofield. Those claims distinguish the cited combination for the same reason discussed above, namely, the explicit recitation of the lower level services. The Office relies on Naveh alone for mapping high-level requirements to low-level requirements. However, the logic of the rejection requires that QoS is a low-level requirement, and in terms of the presently claimed invention QoS is a

¹ Page 33, line 29 through page 34, line 13.

² Page 34, lines 29-31.

high-level requirement.⁴ In other words, Naveh uses application requirements to calculate QoS, whereas the presently claimed invention can use QoS requirements to calculate routed path, latency, error rate, protection mechanism, shared lightpath and unshared lightpath. Since the low level communication services are now explicitly recited in independent claims 1, 6, 12 and 20, withdrawal of the rejections of claims 3, 4 and 8-27 is therefore requested.

For the reasons stated above, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited. The Office is encouraged to contact Applicants' Attorney at 978-264-4001 to discuss any issues which might expedite allowance of this application.

Respectfully Submitted,

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Date

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³ Page 35, lines 27 through 30.

⁴ Page 33, line 29 through page 34, line 13.